

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

Return Date: DECEMBER 13, 2016
Time: 10:00 a.m.

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In re:

Chapter 13
Case No.: 15-44680-608

GUY SCOTT CREGAR

Debtor(s)
-----X
SIRS / MADAMS

NOTICE OF MOTION

PLEASE TAKE NOTICE, that MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate, will move before the Honorable Carla E. Craig, United States Bankruptcy Judge on the 13th day of DECEMBER, 2016 at 10:00 a.m., at the United States Bankruptcy Court located at 271 Cadman Plaza East – Courtroom 3529, Brooklyn, New York, 11201, for an Order pursuant to 11 U.S.C. §1307(c), dismissing this case, by reason of the debtor(s)' default in making timely monthly plan payments under the Chapter 13 Plan, and for such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, shall be filed with the Court and served upon the undersigned no later than seven (7) days prior to the return date of this motion.

Dated: Islandia, New York
11/16/2016

Yours, etc.

MICHAEL J. MACCO
Chapter 13 Trustee
2950 Express Drive South, Suite 109
Islandia, NY 11749
(631) 549-7900

To: *Office of the United States Trustee*
GUY SCOTT CREGAR,
CORASH & HOLLENDER PC, Attorney for Debtor(s)
All Interested Parties and Creditors

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

tmm1634

Chapter 13
Case No.: 15-44680-608

GUY SCOTT CREGAR

Debtor(s)

APPLICATION

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TO THE HONORABLE CARLA E. CRAIG, UNITED STATES BANKRUPTCY JUDGE:

MICHAEL J. MACCO, Chapter 13 Trustee in the above captioned estate,
respectfully represents as follows:

1. The debtor(s) filed a Chapter 13 petition under the provisions of 11 U.S.C. and thereafter MICHAEL J. MACCO was duly appointed and has qualified as Trustee.
2. The debtor(s)' plan was later confirmed by Order of this Court.
3. The debtor(s)' plan provides for payment to the Trustee in the sum of \$250.00 for five (5) months, then \$2,400.00 for the remaining fifty-five (55) months.
4. The debtor(s) is in default in that the Trustee is owed the sum of \$7,200.00, representing three (3) monthly plan payments. This amount includes all plan payments due to the Trustee until the return date of this motion.
5. Furthermore, in the event this motion is adjourned to a later date, the Trustee requests that the motion be amended to include as arrearage, all payments that accrue from the date of the scheduled hearing until the adjourned hearing.
6. This is a material default and is prejudicial to the rights of the creditors of the debtor(s).

WHEREFORE, the Trustee prays for an Order pursuant to the provisions of 11 U.S.C. §1307(c), dismissing this case, and for such other and further relief as this Court deems just and proper.

Dated: Islandia, New York
11/16/2016

/s/ Michael J. Macco
Michael J. Macco, Chapter 13 Trustee
2950 Express Drive South, Suite 109
Islandia, NY 11749
(631) 549-7900